

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BARBARA KOGAN

Plaintiff,

CIV. NO.05-2078(ADC-BJM)

v.

NELSON FAMADAS ALAPONT, JANE DOE and their conjugal partnership, **DECISION SUPPORT INTERNATIONAL, INC., NFK MORTGAGE HOLDERS, INC.;DESARROLLADORA CAPITAL CENTER, INC.; PHOENIX MANAGEMENT CORPORATION, RB MANAGEMENT CO., RAUL BUSTAMANTE RICHARD ROE, MARY ROE, and their conjugal partnership; CORPORATION ABC; INSURANCE COMPANY DEF**

FOR: BREACH OF CONTRACT; BREACH OF FIDUCIARY DUTY

Defendants

PLAINTIFF DEMANDS TRIAL BY JURY

MOTION TO DISMISS CERTAIN CLAIMS VOLUNTARILY

TO THE HONORABLE COURT:

COMES NOW Plaintiff Barbara Kogan through her undersigned attorneys, and respectfully **ALLEGES** and **PRAYS** as follows:

1. Mrs. Kogan has reached a private agreement with defendants Phoenix Management Corporation, RB Management, Company, Inc., Raul Bustamante, his wife and their conjugal partnership.
2. Based on that agreement Mrs. Kogan asks the Court to dismiss all claims against those defendants with prejudice without any assignment of costs.

Barbara Kogan v. Nelson Famadas Alapont, et al.
Page 2 of 2

3. Moreover, Mrs. Kogan very respectfully asks the Court to dismiss the Fifth Cause of Action of the Amended Complaint against all defendants with prejudice as well.

WHEREFORE, in view of the foregoing, plaintiff very respectfully requests this Honorable Court to dismiss all claims against Phoenix Management Corporation, RB Management Company, Inc., Raul Bustamante, his wife and their conjugal partnership with prejudice, and to dismiss the Fifth Cause of Action of the Amended Complaint against all defendants with prejudice.

I HEREBY CERTIFY THAT this date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 16th day of March 2007.

**LAW OFFICES OF
JANE BECKER WHITAKER, P.S.C.**
P.O. Box 9023914
San Juan, PR 00902-3914
Tel. (787) 754-9191
Fax (787) 764-3101

/S/ JANE BECKER WHITAKER
JANE BECKER WHITAKER
USDCPR Bar Number 205110